III. REMARKS

1. Claims 1-17 remain in the application.

2. Applicants respectfully submit that claims 1-3, 5-11 and 13-17 are not anticipated by Gleeson et al. (US 5,627,829, "Gleeson") under 35 USC 102(b).

Gleeson fails to disclose or suggest producing messages in the application layer from the information to be transmitted, said messages being different from said information being transmitted, as recited by claims 1, 9, and 17.

In the "Response to Arguments" section of the Action mailed on 15 December 2005, the Examiner summarizes Applicants' arguments as Gleeson failing to disclose "said messages being different from said information being transmitted." Applicants respectfully submit that this summary fails to consider paragraph 6 of the Remarks section of the Amendment filed on 6 September 2005 where Applicants argue that Gleeson fails to disclose forming messages at the application layer.

It is clear that in the present invention the term message means a certain unity of information which is formed at the application layer from the information to be transmitted and this message is different from the information to be transmitted. That message then traverses through the protocol stack and will change at different levels of the protocol stack.

The Examiner argues that Gleeson teaches that message data are generated in the application layer in col. 6, lines 47-56. Applicants disagree. This section of Gleeson only mentions that the *application layer… handles protocols and interface*

information that directly communicate with a client application program running at the station. Further, in col. 7, lines 4-6 the receiving operation is disclosed: "Finally, the information passes to the application layer 202 which directly interfaces with the application program running in the second node." There is nothing in Gleeson which explicitly or even implicitly discloses or suggests that messages are formed in the application layer.

It would be clear to one skilled in the art that in Gleeson when the application layer interfaces information to lower levels of a protocol stack the lower level adds some level-specific details to the information, not the application layer. In Gleeson the application layer only passes the information to the lower level.

In contrast, in the present invention messages are formed in the application layer which is a novel and non-obvious feature, not disclosed in any of the references.

At least for these reasons, Applicants submit that Gleeson does not anticipate independent claims 1, 9, and 17 and dependent claims 2, 3, 5-10, 11, and 13-16.

2.1 With particular reference to claims 7 and 15, Gleeson fails to disclose using the WAP system. The Examiner states that the radio modem protocol "RM" is functionally equivalent to wireless application protocol "WAP." Applicants disagree. In Col. 10, lines 5-39 Gleeson discloses:

> "The basic protocol stack diagram for the prior art wireless network is shown in FIG. 8A which illustrates a connection between a mobile client node (stack 838) and a server node on a LAN network (stack 846). The client node protocol stack 838 communicates with a radio packet modem 840 which, in turn, communicates with base station 842. Base station 842 communicates

with a message switch 844 which, in turn, communicates to the LAN server stack 846.

Protocol stack 838 in the mobile client node consists of the application layer 800, non-standard protocol layer 802, and a protocol layer 804 for the protocol used by the radio packet modem 840. The non-standard layer 802 is network specific and must be used by clients and hosts/gateways which access the wireless network. Protocol layer 802 provides the means whereby the mobile client node identifies the host to which it wants to communicate and other options, such as the use of acknowledgements.

The modem protocol layer 804 converts the non-standard protocol used in layer 802 to the radio modem protocol (RM) used to interface with the radio packet modem 840. This latter protocol is both network and modem specific.

The radio packet modem, in turn, communicates with the base station 842 by means of a radio protocol (RP). The modem/base station radio protocols generally include significant error correction overhead and, if retries and acknowledgements are taken into account, the effective throughput over the radio link is typically only 10% to 50% of the nominal throughput depending on the traffic being carried over the network."

The underlined text shows that the radio modem protocol is both network and modem specific. In the past it was common to talk about "Hayes compatible modems".

More information of the RM protocols can be found from http://www.sfn.Saskatoon.sk.ca/Help/ModemTutorial/MT-Protocols.html.

Applicants submit that RM and WAP are not functionally equivalent. WAP is not a protocol specific to a modem model. Further, WAP protocol is not ~~used for~~as a transport protocol~~mitting the data~~ but~~-~~ TCP/IP protocol, for instance, is.

3. Applicants respectfully submit that claims 4 and 12 are patentable over the combination of Gleeson in view of Bhagwat et al. (US 6,721,805, "Bhagwat") under 35 USC 103(a).

Claims 4 and 12 depend from claims 1 and 9, respectively.

The combination of Gleeson and Bhagwat fails to disclose or suggest producing messages in the application layer from the information to be transmitted, said messages being different from said information being transmitted, as recited by claims 1 and 9. Bhagwat fails to disclose this feature missing from Gleeson.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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